

Amend Section 83068.2 to read:

83068.2 NEEDS AND SERVICES PLAN (Continued)

83068.2

(b) (Continued)

(8) Plans for maintaining the child's connections with family and extended family members.

~~(89)~~ (Continued)

~~(910)~~(Continued)

~~(1011)~~(Continued)

(d) Unless specifically restricted by court order, the licensee shall ensure that connections are maintained between the child and the child's family and extended family members in accordance with the needs and services plan.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code.

Amend Section 84068.2 to read:

84068.2 NEEDS AND SERVICES PLAN (Continued)

84068.2

(b) (Continued)

(7) Maintenance of connections with family and extended family members.

(78) (Continued)

(e) Unless specifically restricted by court order, the licensee shall ensure that connections are maintained between the child and the child's family and extended family members in accordance with the needs and services plan.

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code.

Amend Section 88001 to read:

88001 DEFINITIONS (Continued)

88001

- p. (1) “Placement Hold” means a foster family agency stopped making placements into a certified family home or removed any child from a certified family home as a result of violations of licensing regulations or failure to meet the standards of the foster family agency. “Placement Hold”, as it is used in this section, does not apply to temporary removal of any child from a certified home or temporary discontinuation of placements pending the completion of an investigation.

(12) (Continued)

(23) (Continued)

- q. (Continued)

Authority Cited: Section 17730, Welfare and Institutions Code; and Section 1530, Health and Safety Code.

Reference: Sections 17710(a), (g) and (i), 17731(c) and 17732(b), Welfare and Institutions Code; and Sections 1502, 1506, 1506.7, 1530, 1530.5 and 1538, Health and Safety Code.

Amend Section 88022 to read:

88022 PLAN OF OPERATION

88022

(a) (Continued)

- (9) A copy of the foster family agency's application for certification form that includes the information specified in Section 88031.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Section 11174.1, Penal Code; and Sections 1506, 1506.7, and 1520, Health and Safety Code.

Adopt Section 88031 to read:

88031 ~~NOTIFICATION~~ APPLICATION FOR CERTIFICATION

88031

~~Repealed by Manual Letter No. CCL 99-02, effective 6/28/99.~~

- (a) Each foster family agency shall require applicants for certification to sign an application form which contains, but is not limited to, the following information:
- (1) Whether the applicant has ever been certified by a foster family agency and, if so, by which agency.
 - (2) Whether the applicant has ever been decertified by a foster family agency and, if so, by which agency.
 - (3) Whether the applicant has ever been put on placement-hold status by a foster family agency and, if so, by which agency.
 - (4) Whether the applicant has ever been licensed by the state or a county as a foster parent and, if so, by which licensing office.
 - (5) Whether the applicant has ever been approved for relative placement by a county and, if so, by which county.
 - (6) Notice to the applicant that the foster family agency is required to conduct a reference check with all foster family agencies that have previously certified the applicant, and with all state and county licensing offices that have previously licensed the applicant as a foster parent.
 - (7) Notice to the applicant that signing the application form constitutes authorization to conduct the reference check.
 - (8) A declaration by the applicant that the information submitted is true, correct and contains no material omissions of fact to the best knowledge and belief of the applicant.
 - (9) A statement that submitting false information pursuant to this section is a misdemeanor punishable by incarceration, a fine, or both.
- (b) Before certifying any applicant, each foster family agency shall conduct a reference check by contacting:
- (1) Any foster family agency that has previously certified the applicant.
 - (2) Any state or county licensing offices that have licensed the applicant as a foster parent.

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Health and Safety Code Section 1506.9(b) provides as follows:

"Neither the department, a foster family agency, or a county shall incur civil liability for providing a county or a foster family agency with information if the communication is for the purpose of aiding in the evaluation of an application for certification of a family home by a foster family agency or for licensure as a foster home or approval of a relative placement by a county or by the department."

Health and Safety Code Section 1536(c) provides as follows:

"Notwithstanding subdivision (b), the department, a county, or a foster family agency may request information from, or divulge information to, the department, a county, or a foster family agency, regarding a prospective certified parent, foster parent, or relative caregiver for the purpose of, and as necessary to, conduct a reference check to determine whether it is safe and appropriate to license, certify, or approve an applicant to be a certified parent, foster parent, or relative caregiver."

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Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1506.7, 1506.8, 1506.9 and 1536, Health and Safety Code

Adopt Section 88054 to read

88054 PENALTIES

88054

(a) In addition to Section 88054, the following shall apply:

- (1) After the issuance of a citation, an immediate civil penalty of \$50 per cited violation shall be assessed if a foster family agency has failed to submit to CDSS a log of homes certified and decertified during any month by the tenth day of the following month. Thereafter, a penalty of \$50 per day, per cited violation, shall be assessed until the date that each log is submitted to CDSS.
- (2) After the issuance of a citation, an immediate civil penalty of \$50 per cited violation shall be assessed if a foster family agency has failed to notify CDSS within one business day of determining it necessary to decertify a certified family home for any of the reasons specified in Sections 88061(h)(1)(A)-(F). Thereafter, a penalty of \$50 per day, per cited violation, shall be assessed until the date that the foster family agency notifies CDSS of the decertification.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Section 1536, Health and Safety Code.

Adopt Section 88066.2 to read:

88066.2 CONTENT OF CERTIFIED FAMILY HOME OR LICENSED 88066.2
FOSTER FAMILY HOME CASE RECORD

- (a) Each foster family agency shall maintain a case record for each certified family home or licensed foster family home used by the foster family agency.
- (b) Each case record shall include the following information on each home:
 - (1) An application form for each certified parent.
 - (2) A typewritten record of the home study.
 - (3) Medical reports.
 - (4) Correspondence.
 - (5) Applicable legal documents.
 - (6) Verifications of required information, including a signed statement acknowledging the child abuse and neglect reporting responsibilities of Penal Code Section 11164 et seq.
 - (7) Evaluation of findings.
 - (8) Decisions reached.
 - (9) Actions taken.
 - (10) Contacts with references.
 - (11) A record of each child placed in the home and the dates the child was in care.
- (c) In addition to Subsection (b), above, each case record of a certified family home shall include:
 - (1) Fingerprint clearances.
 - (2) Child Abuse Index Check Clearances.
 - (3) Any necessary fire clearances as specified in Section 83020.
 - (4) A copy of the Certificate of Approval.
 - (5) Documentation of the required 12 hours of annual training for certified parents as required by Section 1506(b)(2) of the Health and Safety Code.

- (6) A copy of any complaint investigation report, the findings of that report, and the action taken by the foster family agency.
- (d) All information in case records shall be confidential and shall be available only to the licensing agency; and to placement agency staff, and foster family agency personnel that need access to the information to perform their duties.
 - (1) This requirement does not relieve the foster family agency of the responsibility for transmitting copies of substantiated complaints to specified parties, as required by Section 88061(l).
- (e) All case records shall be available to the licensing agency to inspect, audit, and copy upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:
 - (1) Licensing representatives shall not remove any current emergency or health-related information for current foster children unless the same information is otherwise readily available in another document or format.
 - (2) Prior to removing any records, a licensing representative shall prepare a list of the records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the administrator or designee.
 - (3) Licensing representatives shall return the records undamaged and in good order within three business days following the date the records were removed.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1506.7, 1522, 1522.1, and 1531, Health and Safety Code.

Adopt Section 88066.3 to read:

88066.3 ADDITIONAL CONTENT OF CERTIFIED FAMILY HOME 88066.3
CASE RECORDS FOR SPECIALIZED CERTIFIED FAMILY HOMES

- (a) The foster family agency shall ensure that the case record for each specialized certified family home includes the documentation required in Sections 83066(a)(1) and/or (2), and
(d).

Authority Cited: Section 17730, Welfare and Institutions Code; and Section 1530, Health and Safety Code.

Reference: Section 17731, Welfare and Institutions Code; and Section 1531, Health and Safety Code.

Amend section 88068.2 to read:

88068.2 NEEDS AND SERVICES PLAN

88068.2

- (a) The needs and services plan shall identify the child's needs in the following areas:
(Continued)

(7) Maintenance of connections with family and extended family members.

(78) (Continued)

(89) (Continued)

(910)(Continued)

- (e) Unless specifically restricted by court order, the licensee shall ensure that connections are maintained between the child and the child's family and extended family members in accordance with the needs and services plan.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Section 1531, Health and Safety Code.

Repeal Section 88069.7 to read:

88069.7 CONTENT OF CERTIFIED FAMILY HOME OR LICENSED 88069.7
FOSTER FAMILY HOME CASE RECORD

- (a) ~~Each foster family agency shall maintain a case record for each certified family home or licensed foster family home used by the foster family agency.~~
- (b) ~~Each case record shall include the following information on each home:~~
 - (1) ~~A face sheet or application form.~~
 - (2) ~~A typewritten record of the home study.~~
 - (3) ~~Medical reports.~~
 - (4) ~~Correspondence.~~
 - (5) ~~Applicable legal documents.~~
 - (6) ~~Verifications of required information, including a signed statement acknowledging the child abuse and neglect reporting responsibilities of Penal Code Section 11164 et seq.~~
 - (7) ~~Evaluation of findings.~~
 - (8) ~~Decisions reached.~~
 - (9) ~~Actions taken.~~
 - (10) ~~Contacts with references.~~
 - (11) ~~A record of each child placed in the home and the dates the child was in care.~~
- (c) ~~In addition to Subsection (b) above, each case record of a certified family home shall include:~~
 - (1) ~~Fingerprint clearances.~~
 - (2) ~~Child Abuse Index Check Clearances.~~
 - (3) ~~Any necessary fire clearances as specified in Section 83020.~~
 - (4) ~~A copy of the Certificate of Approval.~~
 - (5) ~~Documentation of the required 12 hours of annual training for certified parents as required by Section 1506(b)(2) of the Health and Safety Code.~~

- ~~(6) A copy of any complaint investigation report, the findings of that report, and the action taken by the foster family agency.~~
- ~~(d) All information in case records shall be confidential and shall be available only to the licensing agency; and to placement agency staff, and foster family agency personnel that need access to the information to perform their duties.~~
 - ~~(1) This requirement does not relieve the foster family agency of the responsibility for transmitting copies of substantiated complaints to specified parties, as required by Section 88061(1).~~
- ~~(e) All case records shall be available to the licensing agency to inspect, audit, and copy upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:~~
 - ~~(1) Licensing representatives shall not remove any current emergency or health-related information for current foster children unless the same information is otherwise readily available in another document or format.~~
 - ~~(2) Prior to removing any records, a licensing representative shall prepare a list of the records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the administrator or designee.~~
 - ~~(3) Licensing representatives shall return the records undamaged and in good order within three business days following the date the records were removed.~~

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1522, 1522.1, and 1531, Health and Safety Code.

Repeal Section 88069.8 to read:

88069.8 ADDITIONAL CONTENT OF CERTIFIED FAMILY HOME 88069.8
CASE RECORDS FOR SPECIALIZED CERTIFIED FAMILY HOMES

- ~~(a) The foster family agency shall ensure that the case record for each specialized certified family home includes the documentation required in Sections 83066(a)(1) and/or (2), and (d):~~

Authority Cited: Section 17730, Welfare and Institutions Code; and Section 1530, Health and Safety Code.

Reference: Section 17731, Welfare and Institutions Code; and Section 1531, Health and Safety Code.

Amend Section 89405 to read:

89405 TRAINING REQUIREMENTS (Continued)

89405

(b) (Continued)

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(1) (Continued)

(b) Continued)

"(3) (Continued)

"(F) The right of a foster child to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

"(4) (Continued)

"(E) The right of a foster child to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

"(5) (Continued)

(~~b~~2) (Continued)

(~~1~~A) (Continued)

(~~2~~B) (Continued)

(~~3~~C) (Continued)

(~~4~~D) (Continued)

(~~5~~E) (Continued)

(~~6~~F) (Continued)

(~~7~~G) (Continued)

(~~8~~H) (Continued)

(~~9~~I) (Continued)

(~~10~~J) (Continued)

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Authority Cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 1529.1, 1529.2, and 1562, Health and Safety Code; and Section 903.7, Welfare and Institutions Code.

Amend Section 89468 to read:

89468 ADMISSION PROCEDURES (Continued)

89468

(b) (Continued)

(8) Plans for maintaining the child's connections with family and extended family members.

(89) (Continued)

(g) Unless specifically restricted by court order, the licensee shall ensure that connections are maintained between the child and the child's family and extended family members in accordance with the needs and services plan.

Authority Cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 1501, 1501.1, 1507, 1507.2, 1520, 1530.6, 1530.91, 1531, and 1557.5, Health and Safety Code.